

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Roy George Wilson, #276454,

Petitioner,

v.

Michael McCall,

Respondent.

Civil Action No. 5:12-366-SB

ORDER

This matter is before the Court on the Petitioner's pro se request for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to Local Rule 73.02(B)(2)(a), this matter was referred to a United States Magistrate Judge for preliminary review.

On February 23, 2012, Magistrate Judge Kaymani D. West issued a report and recommendation ("R&R"), analyzing the issues and recommending that the Court dismiss the petition without prejudice and without requiring the Respondent to file an answer or return based on the fact that the Petitioner has not yet been convicted and has yet to exhaust at least four viable state court remedies (a criminal trial, a direct appeal, an application for post-conviction relief, and an appeal in the post-conviction relief case). The Magistrate Judge also recommended that this Court deny a certificate of appealability.

Attached to the R&R was a notice advising the Petitioner that he may file specific, written objections to the R&R within fourteen days after being served with a copy. To date, no written objections have been filed.


Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriners Hosp., 109 F.3d

198, 201 (4th Cir. 1997).

Here, because no objections have been filed, the Court need not conduct a de novo review of any portions of the R&R. Accordingly, after review the Court adopts the Magistrate Judge's R&R in full, and it is hereby

ORDERED that the Petitioner's request for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is dismissed without prejudice and without requiring the Respondent to file an answer or return. In addition, the Court denies a certificate of appealability. See Rule 11(a), Rules Governing Section 2254 Cases in the United States District Courts ("The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.").

IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

#2
March 15, 2012
Charleston, South Carolina